

**KENTUCKY BOARD OF EDUCATION  
REGULAR MEETING  
OCTOBER 4-5, 2006**

**KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION  
2280 EXECUTIVE DRIVE  
LEXINGTON, KENTUCKY**

***SUMMARY MINUTES***

The Kentucky Board of Education held a regular meeting on October 4-5, 2006, at the offices of the Kentucky High School Athletic Association, 2280 Executive Drive, Lexington, Kentucky. The Board conducted the following business:

**Wednesday, October 4, 2006**

***KBE AUDIT COMMITTEE MEETING***

Chair Janna Vice called the meeting to order at 8:30 a.m. She noted that the information about the committee's discussion could be found on page 7 of the Agenda Book and emphasized that today's discussion would be for review only. Vice explained that the committee would be hearing about a variety of audits that have either been already conducted or are to be conducted. She then called on Associate Commissioner Robin Kinney and Deputy Commissioner Kevin Noland to come forward for the discussion.

Robin Kinney indicated that the topic today would be to talk about the various audits conducted within the Kentucky Department of Education. She noted that each year an annual financial audit is conducted by the Auditor of Public Accounts and pointed out that two representatives of that office were present today to talk about the specifics of some of the audits they had conducted. She then introduced John Cubine and Michelle Sutton from the State Auditor's office.

Mr. Cubine stated that he is the director of the Division of Financial Audits that conducts audits in all state agencies and in local governments. He explained that Michelle Sutton is a Branch Manager who oversees audits on the state side and said that Michelle oversaw the audits requested by the Kentucky Board of Education within the Kentucky Department of Education.

Robin Kinney went on to say the representatives of the Auditor's office would explain more detail about the two audits that were requested by the Kentucky Board of Education. She indicated that her office coordinates the annual financial audit each year in conjunction with the auditor and also relies on other program areas within the Department for data. Kinney pointed out that other audits are conducted by federal agencies. She noted that on page 7 of the Agenda Book, three categories of audits are listed as follows: those requested by the Kentucky Board of Education, audits of federal programs and annual statewide audits. Kinney explained that today, the discussion

would be on the audits that have been completed and that on those that are pending, staff would come back for discussion on those at a later meeting.

Chair Vice then asked Kinney to talk about the process that occurs from the time an audit is requested until it is completed.

Kinney responded that the auditor conducts the audit and then issues findings. Once the findings are issued, she said, there is an opportunity to do a management response to the audit findings. At this point, a final report incorporating both the findings and management response is issued, Kinney explained. She went on to emphasize that the auditor and the Kentucky Department of Education have a good relationship and said the auditor gives the Department ways to improve its processes and procedures. She noted that the discussion would focus on the financial audits first and then asked Michelle Sutton to briefly address these.

Ms. Sutton started with the annual statewide single audit for FY2004 and said that the findings are divided into different areas, such as revenues and schedule of expenditures for federal awards. Sutton went on to say there are three types of findings as follows: material findings, reportable findings and other matter findings. She explained that the seriousness of the findings rank in the order that she listed with the other matter findings being the lowest level. Sutton emphasized that the Department's findings were all in the other category and were not included in the statewide audit report due to the low level of the findings. She explained that the findings for 2005 were also in the other matter category.

Mr. Cubine added that the auditor's office audits any state agency and is also required by Congress to look at all federal funds on their behalf. Thus, he stated that the report on these matters are sent to the federal level and serve as the federal audit. However, he noted that the federal level can also come in and do a targeted, specific audit at any time.

Robin Kinney then gave some examples of the other findings in the 2004 and 2005 statewide single audits and noted that the Department is following all the recommendations from the auditor's office to correct these findings. She then asked Ms. Sutton to talk about the two audits that were requested by the Kentucky Board of Education with the first one being in the area of desk audits of all school district CPA reports for 2004-2005.

Sutton explained that the A-133 audit reviewed over 180 CPA reports. She stated that the auditor's office takes all of the CPA audits and then utilizes a desk audit checklist to review them. She reported that various deficiencies were noted in the findings that could be found in the appendix of the audit. Overall, she stated, no major findings were pointed out that could not be corrected and characterized the problems to be more in the method of presentation of the report. She went on to say that the Kentucky Department of Education then is responsible to work with the CPAs to correct their financial statements. Next, she addressed the audit on the review of indirect cost calculation methodology that the Kentucky Department of Education currently performs for school districts. She summarized that various ways to improve the process were noted and said these findings

can be found in the appendix of the audit report. A discussion of direct and indirect costs then followed.

Chair Vice then asked staff if the Department has followed up on the Auditor's recommendations from the various audits.

Robin Kinney responded affirmatively. She went on to note there are a couple of audits pending where the final report has not been received that will come back to the Board at a future meeting. Kinney stated that the 2006 statewide single audit will come to the Board in March or April of next year.

At this point, Deputy Commissioner Kevin Noland said he would like to recommend some next steps for the committee to consider. He explained that in the past as audit reports are completed and reported to the committee, then it traditionally has decided what other audits it would like to be done in the future. He went on to explain that the committee usually likes staff to put a menu on the table of possible audits that could be conducted. Noland then recommended that staff come up with a list of possible audits and send them in a mailing for the committee members to consider. Then, he proposed at a future meeting of the committee, it could decide what direction to give staff on future audits.

Janna Vice indicated that the proposal sounded like a good one and then went on to explain that she and Robin Kinney had talked about developing a matrix for the committee that would show the category of audit, the purpose of the audit, the responsible party, whether it was a federal or state audit, who is responsible for following up on the findings and a brief descriptor of the audit. Vice felt that this would be a good organizer for the committee and that the proposal suggested by Deputy Commissioner Noland on future audits could be added to this organizer for the committee's consideration.

At this point, Judy Gibbons moved to adjourn the committee meeting and David Rhodes seconded the motion. The motion carried.

### ***CALL TO ORDER***

Chair Keith Travis called the meeting to order at 9:30 a.m. He asked KHSAA Commissioner Brigid DeVries to say a few words since the Board was conducting its meeting at the offices of Kentucky High School Athletic Association (KHSAA).

Commissioner DeVries welcomed the Board to KHSAA's building and noted that it was constructed in 1992. She invited everyone to make themselves at home and to come back to use the facility at any time. She emphasized that KHSAA wants to continue its good relationship with the Board.

## ***ROLL CALL***

Present for the meeting were C.B. Akins, Kaye Baird, Joe Brothers, Jeanne Ferguson, Bonnie Lash Freeman, Judy Gibbons, Doug Hubbard, David Rhodes, Keith Travis, Janna Vice and David Webb. Absent was Tom Layzell.

## ***ANNOUNCEMENTS***

Chair Keith Travis asked that the following amendments be made to the agenda:

- To the Management Committee's agenda, the School Facilities Evaluation Task Force Report would be added.
- To the full board, a legislative item on recommendations from the School Facilities Evaluation Task Force would be added.

## ***APPROVAL OF MINUTES***

Judy Gibbons moved that the minutes from the August 2-3, 2006 and September 6, 2006 KBE regular meetings be approved. Doug Hubbard seconded the motion. The motion carried.

## ***REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD***

Executive Director of the Education Professional Standards Board, Phil Rogers, gave the following report:

- It was an honor to be with Bonnie Lash Freeman and legislators at the reading association meeting; the passion for education was amazing. The personal result was coming away with a commitment to look at the preparation of secondary educators in the area of literacy.
- The highly qualified teacher report was submitted to the Kentucky Department of Education and the United States Department of Education. Kentucky continues to improve and has 97% of its teachers meeting the highly qualified status. Mathematics and science are areas in high poverty schools where students are likely to have a teacher who is not highly qualified.
- A conversation was held with the presidents of all universities on the redesign of the principal preparation and master's programs. Support must exist from the top down.
- A personal sense of loss exists with Gene Wilhoit leaving because he is a center point of the vision to everyone. We will miss him tremendously.

## ***REPORT OF THE COMMISSIONER OF EDUCATION***

Commissioner Gene Wilhoit reported the following:

- All the preliminary work in terms of the technology initiatives that came out of the last legislative session are coming to a head. We have been meeting as a Cabinet to look at how to link all of the initiatives together. The result of working as a Cabinet is that we will be able to link the Council on Postsecondary Education, the Kentucky Department of Education, the Education Professional Standards Board and others to produce a statewide network within the existing budget. The plan is to roll out money to districts this year and then the rest next year. This should solve the capacity problem where smaller districts will have 10 times the capacity they have had and larger districts will have much greater capacity than is available for smaller districts.

Additionally, \$20 million was allocated to upgrade workstations and this work is moving ahead aggressively through a phased rollout period. When it is finished, all schools will have newer technology for students. It will be rolled out in a phased program with the first obligation every school must meet being a 1-5 or -6 ratio for students and 1-1 ratio for teachers. The rest of the dollars will be rolled out against districts' technology plans.

The third part of the technology initiative has to do with the KETS money where we are asking districts to step back and look at the dollars they have received in the last few years that have gone toward replacing workstations. Since there are now other funds to do the replacement of hardware, districts are being asked to revise their technology plans realizing there are now new resources available.

- Relative to leadership, local districts have been concerned about a better process for recruiting persons into leadership positions. We are coming forward with district-sponsored leadership program in partnership with universities within the next three to four months.
- Assessment results were released and generally we saw improvement in all content areas. Greater improvement was evident at middle school with the elementary still being ahead in overall achievement. It is evident that support is needed for the high school agenda. If one looks inside the numbers, there are highly successful stories as well as those that are struggling. Staff will need to bring back proposals on what is needed in low-performing schools. The voluntary assistance program shows great promise. More conversations on low-performing schools will occur at the December meeting.

## ***GOOD NEWS FROM SCHOOLS/DISTRICTS***

The following items of good news were reported by the noted persons:

- Judy Gibbons – Debbie Schmidt, a teacher at Eastside Elementary in Harrison County, has been selected as one of the top educators in the nation in Wal-Mart's 11<sup>th</sup> Annual Teacher of the Year Program. Her award brings a \$10,000 grant to the school. Join me in congratulating Debbie on this honor!
- Kaye Baird – Boyd County Summit Elementary was recently named a model school by the National Reading Styles Institute. The school has used techniques pioneered by the institute that focus on four basic learning styles – visual, auditory, tactile and kinesthetic. Summit teachers have been using the techniques for about five years, beginning with students that have special needs. Now, the techniques are taught in all of the districts' schools. Summit can expect to be visited by educators that want to observe the techniques and take information back to their schools.
- Janna Vice – Jessamine County's new \$8 million career and technical center opened in late August, after about ten years of planning. The center will offer courses in pre-engineering, agribio technology, information technology, banking and other math-science intensive fields. Credits will transfer to community and technical colleges and in some cases to state universities. Jessamine County will also use the center to teach advanced placement courses. Congratulations to Jessamine County on the opening of this state-of-the-art facility!
- Joe Brothers – Central Hardin High School student Angela Veza is the winner of the Rotary District No. 67 Speech Contest. To get to this level, she won the local and regional speech contests. Her combined earnings for the wins amounted to \$1,400. Students must research and speak confidentially about their understanding of Rotary and the current year's theme "Service Above Self". Angela spoke about her research on the Rotary and how it had impressed upon her the importance of volunteerism and altruism. She also spoke about examples in her own life for volunteering locally and how she has made an impact on the lives of others. Congratulations to this articulate student!
- Mary Ann Miller - As the Blue Ribbons Schools coordinator for the Kentucky Department of Education, I am delighted to announce Kentucky's 2006 Blue Ribbon Schools as follows: Field Elementary, Jefferson County; Hanson Elementary, Hopkins County; Mason-Corinth Elementary, Grant County; and Summer Shade Elementary, Metcalfe County. These schools were recognized in one of two categories for either having 40% of their students from disadvantaged backgrounds and having dramatically improved student performance in reading and mathematics over the last three years or for scoring in the top 10% statewide in reading and mathematics on state assessments. They also must have made adequate yearly progress. These schools will be recognized at a ceremony in Washington, D.C. on November 9-10. Join me in congratulating these four schools!

## ***REPORT FROM THE PRE-K TO 16 COUNCIL***

Bonnie Lash Freeman gave the following report:

- On September 20, a number of us met to look at a variety of issues that have happened across the full range of education with the first item being a report from those who attended the NASH meeting in Montana. Linda Pittenger shared a variety of activities in which the team engaged. The group consisted of people from the Kentucky Department of Education, the Council on Postsecondary Education, the Education Professional Standards Board and the Kentucky Career and Technical College System. Items discussed at the meeting included issues surrounding P-12 and postsecondary education standards alignment, policy and practices, getting students college and work-ready and teacher quality and distribution. The team also had time to focus on Kentucky issues including the P-16 data system, dual enrollment and credit and access and affordability.
- A presentation was given by Dr. Jennifer Presley on teacher quality and college readiness. The research Dr. Presley presently was significant and looked at student performance and a teacher quality index. The bottom line was where the best prepared teachers are placed, the better students perform, especially in the math and science area. This research is a significant piece that the Board needs to examine as it looks at what to do in low-performing schools.
- The Dual Credit Task Force gave a report.
- The redesign of the masters program was discussed with the Education Professional Standards Board.

At this point, C.B. Akins asked to hear more from Phil Rogers about redesigning the masters program. He indicated he has heard the common course for teachers to pursue in a masters is the area of counseling.

Dr. Rogers stated that currently the group working on the redesign has the big guideline pieces drafted. He noted that the program will be built around the individual needs of teachers so that it can help them to become experts in curriculum design, instructional assessment and instructional leadership. For principals, he stated, it will help them to become leaders of leaders.

Bonnie Lash Freeman then asked how people will be directed into the needed areas.

Phil Rogers replied that those areas not needed will be closed off and that the norm will become a highly qualified teacher leader program.

C.B. Akins then continued by asking about the timeline for this process.

Rogers stated that it will be brought to the Education Professional Standards Board in the spring or early summer. He indicated that current programs will sunset and universities will have to submit new ones. Rogers noted that several are interested in a doctoral program in education leadership. He stated that the Education Professional Standards Board will work with the Council on Postsecondary Education to develop this once the masters and principal programs are up and running.

At this point, Commissioner Wilhoit gave an update on Dr. John Poggio and said that he is improving. He noted that Dr. Poggio will be going through a long recovery process with therapy, but emphasized that everyone wishes him well.

David Webb stated that a proclamation should be drafted thanking Dr. Poggio for all of his past work and for the work that will come in the future. Mary Ann Miller was asked to draft the proclamation and distribute it to Dr. Poggio.

### ***PROPOSED REGULATION AMENDMENTS TO THE STATE ACCOUNTABILITY SYSTEM***

Chair Travis noted that three hours are allowed for the discussion on this topic and said that the Board needs to give input on the changes so that regulatory language can come back to the Board at the November 1 meeting. He indicated that final approval of these regulations is scheduled for the December meeting.

Commissioner Wilhoit said that staff will use an updated PowerPoint presentation containing the same three pieces of academic, nonacademic and norm-referenced test index. He reported that groups have supplied written input and this input will be cited as staff goes through each issue. He then asked Rhonda Sims to go through the PowerPoint so that the Board's input and discussion of issues could occur.

Ms. Sims began the PowerPoint presentation as follows:

- The first issue dealt with whether the weight of the Kentucky Core Content Test (KCCT) reading and mathematics should be increased at elementary and middle school levels. The recommendation from September was to increase the weights for reading and mathematics to 21% for reading and 21% for mathematics in elementary and 19% for reading and 19% for mathematics at middle school. Staff continues to put forth this recommendation at the October meeting. However, if the norm-referenced test (NRT) is not included anymore, this will not represent an actual increase at elementary and the Board may want to revisit the percentages if the NRT is actually taken out.

Dr. Robert Linn of the National Technical Advisory Panel on Assessment and Accountability (NTAPAA) stated that the actual percentages for reading and math is a policy decision that is up to the Board. Dr. Catterall, also with NTAPAA, went on to say that the inclusion of a norm-referenced test is also a policy decision that the Board must make.



- The next issue dealt with whether the accountability calculation should include a measure of growth using grade to grade assessments in reading and mathematics (3-8 when longitudinal data is cumulated). Dr. James Catterall said there are two ideas of growth models, i.e., individual growth and looking at student growth over time. He emphasized there are different ways to accomplish measures of growth.

Commissioner Wilhoit felt the latter approach mentioned by Dr. Catterall is the model that has been discussed the most in conversations with the legislature. He stated that the Board will need advice on a technically sound process that can be defended from year to year using the same cohorts of students.

Dr. Linn said he thought that this approach could be done but noted work will have to occur with the new contractor to look at developing a vertical scale. It was his opinion that some form of a growth model could be built into the system and he said he agreed it was a reasonable goal to pursue.

Dr. Catterall said that it will require creative thinking.

At this point, Commissioner Wilhoit asked if there was consensus from the Board on the October recommendation from staff to begin immediately to work with vendors and NTAPAA to resolve technical issues and create a growth measure that may be included in accountability. The Board indicated consensus for this recommendation.

- Rhonda Sims moved on to the next issue in the PowerPoint, which dealt with whether the focus on all content areas should be maintained at the high school level. She noted that staff remains committed to the same recommendation from September to retain equal weights for the content areas of reading, mathematics, science, social studies, and writing and the combination of arts/humanities and practical living studies.

No objections were raised to this recommendation.

- Ms. Sims raised the issue of whether items from the ACT should be utilized and augmented with items from the Kentucky Core Content Test to calculate indices for reading, mathematics, science and on-demand writing at the high school level.

Associate Commissioner Pam Rogers then noted that conversations had been held with a number of groups on this particular issue and said that superintendents are concerned about having two masters, KCCT and ACT. She stated that most groups want to ensure that Kentucky is holding on to its standards, and if this is done, it needs to be done well. Rogers went on to say that the School Curriculum, Assessment and Accountability Council (SCAAC) advised to slow down the timeline for integrating ACT into accountability. She stated that NTAPAA had a lengthy discussion on this particular issue and noted that they will be meeting with ACT at their November meeting to address some of their concerns.

Dr. Linn then expressed that it will be helpful to have ACT at NTAPAA's next meeting to work out the questions and concerns. He noted that NTAPAA did discuss how comparable the forms of ACT are from year to year.

Dr. Catterall continued that NTAPAA is concerned about the nature of the validating process by ACT and noted that the alignment study between the Kentucky standards and ACT needs to be done by an independent contractor. He explained that the ACT is designed to maximize discrimination among college going students. Catterall said it makes him wonder how the test behaves when one gives it to all students. He commented that he could support giving it once to see how it behaves before applying it to accountability.

Dr. Linn then added that Colorado has given the ACT to all students and it might be helpful to get information from those states where this has occurred.

Janna Vice wondered if instead of having ACT as an add-on, if ACT and KCCT could stand alone.

David Rhodes noted that by law the Board must work to reduce testing time.

Janna Vice went on to say that if there is an independent review and duplications are eliminated, then this should reduce the objection of having two masters.

Commissioner Wilhoit said he and staff met with officials from ACT and raised these issues. He reported that ACT felt they could address these problems.

Doug Hubbard pointed out that the legislature passed a law mandating that ACT must be used.

Dr. Catterall said he understood this, but noted his response is that it could be used in a variety of ways and it must be determined what appropriate use is.

Doug Hubbard then noted that he wants students to take the ACT and then augment it with the KCCT.

Commissioner Wilhoit indicated this is the course staff is pursuing.

Dr. Catterall continued that NTAPAA members are familiar with ACT and SAT and stated that nobody has said this approach cannot be done. He went on to say that NTAPAA needs to look at the plan and let the members advise the Board on how to do this in a valid and reliable way.

Keith Travis then asked what the down side would be of using SCAAC's recommendation to slow the timeline down for integrating ACT.

Wilhoit replied that it would not meet the law and commented he would like to keep the pressure on the system and implement it in 2007-2008. He pointed out

that alignment plus technical merger of the two systems are the issues that must be solved.

Chair Travis said he would like to proceed with giving the ACT but would not want to include it in accountability if it is going to crash the system.

Commissioner Wilhoit recommended to work to get the ACT augmented by KCCT items completely in place for 2007-08.

Bonnie Lash Freeman then asked when staff would know if this timeline is possible.

Commissioner Wilhoit said that staff will know by late spring or early summer.

Ms. Freeman went on to say the Board will need to know a sense of cost on this issue and if any red flags appear.

- Ms. Sims moved on to the next point in the PowerPoint presentation, which dealt with whether a norm-referenced index should be included at elementary and middle school. She noted that the field is clear that they do not want an NRT due to redundancy. Sims pointed out that staff has altered its recommendation to indicate not including a norm-referenced index and redistribute the five percent to all content areas.

Associate Commissioner Pam Rogers noted that every group staff spoke with was against having an NRT at elementary and middle.

C.B. Akins said he would have a greater level of comfort if communication of test data to parents could be guaranteed.

Bonnie Lash Freeman said this could be accomplished by paying attention to the way the language in the regulation is worded.

It was the consensus to take staff's recommendation.

- Ms. Sims moved to the next issue of whether a national comparison measure using PLAN and ACT composite scores should be included in the high school index. However, Ms. Sims noted that NTAPAA raised objections to this approach due to the fact ACT norms are developed on college-bound students.

Dr. Catterall stated that the objections raised by NTAPAA still exist.

Commissioner Wilhoit asked about norming against other states that give ACT to all students.

Dr. Linn reported that would work if it was clearly labeled and not represented as national norms.

Rhonda Sims then indicated that staff's recommendation is not to include an NRT in the high school index and redistribute the 5% to other content areas and to require the public reporting of PLAN and ACT results and communicate these with parents. The use of the information would also be used in the development of the student's Individual Learning Plan.

After much discussion it was decided to go with staff's recommendation.

- The next issue was whether the total weight of the nonacademic index and the distribution of weights within the index should be changed for elementary, middle and high school. Sims noted that the Board had talked about increasing the percentages where the largest problems existed. She explained that the revised recommendation from staff is to change the total weight and distribution of weights within the nonacademic index with elementary being 3 percent (2 percent attendance plus 1 percent retention); middle being 3.5 percent (2 percent attendance plus 1 percent retention plus .5 percent dropout); and high school 11 percent (2 percent attendance plus 4.5 percent graduation index, reflects retention plus dropout) plus 4.5 percent Transition to Adult Life.

With regard to how attendance should be specifically measured for elementary, middle and high school, Ms. Sims said that NTAPAA suggested retaining the measure but changing the metric (e.g., a scale of 50-100 versus 0-100 to provide heightened discrimination between low and high attendance schools and districts).

Commissioner Wilhoit said he is hearing that staff's proposal may not address the problem at the upper levels and suggested that staff come back with a different proposal at the November meeting.

C.B. Akins asked if dollars or accountability get the attention of school districts. Wilhoit replied that dollars seem to be more significant.

Ms. Sims moved on to whether retention at elementary and middle school and dropout at middle school should be captured in a rate that reflects the number of years students use to complete each school level. She said there has not been a lot of feedback around this issue, but said there are some concerns raised by educators at the elementary level.

Associate Commissioner Pam Rogers indicated that the previous recommendation did not honor the flexibility of time to complete the primary program. She indicated that if staff goes back to the previous metric it would honor extra time for completing primary.

It was then agreed to go with the staff recommendation of generating retention and dropout rates based on 100 minus the actual percentage calculated for each school and district.

- The next issue within the PowerPoint dealt with whether the graduation rate should be used to capture both dropout and retention beginning in 2007-08 at the high school level. Sims indicated that the *No Child Left Behind Act (NCLB)* base calculation would be used plus items valued within Kentucky.

Associate Commissioner Pam Rogers said there was a lot of input from stakeholders on this that was generally supportive.

It was the consensus to go with the staff recommendation of using the NCLB graduation rate calculation generated by dividing the number of on-time completers (4-year graduates) by all completers plus dropouts across 4 years. Then, Kentucky values would be included such as students receiving certificates of attainment, students graduating by age 21, students completing the secondary GED and students graduating in 3 years or less.

Associate Commissioner Pam Rogers said that except for the principals group, others were supportive of an alternative measure to the current survey for measuring Transition to Adult Life. However, she noted, the various groups had different approaches to measuring this particular element and indicated that the Local Superintendents Advisory Council's recommendation could be found on page 34 of the PowerPoint along with the School Curriculum, Assessment and Accountability Council's recommendation on pages 32 and 33.

Ms. Sims then continued that staff is recommending to follow SCAAC's recommendation as the basis for this element with the addition of the use of the Individual Learning Plan completion as recommended by the principals group.

C.B. Akins said his concern was that the bonus categories could mask problems that schools and districts are having.

Keith Travis said he could support the recommendation as long as problems are not being masked.

## ***2007 LEGISLATIVE AGENDA***

Deputy Commissioner Kevin Noland indicated that on page 45 in the Agenda Book, background appears in the staff note for the discussion of the legislative agenda. He indicated other organizations' legislative agendas could be found in the meeting folders. Noland explained that the legislative agenda discussion could continue into December. He then asked for feedback from Board members on what initiatives to consider for the 2007 legislative agenda.

Judy Gibbons suggested the Board might look at mandatory summer school or Saturday school.

Chair Travis then asked if the Center for School Safety could come in December to talk about their initiatives and how money is distributed to school districts. He also suggested the Board might look at legislation regarding school nurses and athletic trainers.

David Webb emphasized that there is usually more success in a short legislative session if the Board limits its agenda.

Chair Travis went on to say that since there are now 17,000 homeless children in Kentucky, the Board needs to try to focus on this population. He also noted that school choice is still an issue between independent and county districts.

Deputy Commissioner Noland stated that there is talk of a study by the legislature on the school choice independent/county district issues.

Chair Travis continued that prevailing wage is still an unresolved issue and thought one approach might be to partner with some of the municipalities for a three to five year moratorium.

With regard to legislation on the role of superintendents in principal hiring, Doug Hubbard said that some feel superintendents already have a meaningful role in this process.

David Webb clarified that the superintendents really have no role if the council does not want to follow his or her recommendations. He went on to say that it is difficult to hold a Board and district accountable if they have no role in the hiring of the principal.

Other issues that were discussed included nonresident student contract/school choice issues, intervention into schools where progress has not been made over a period of time and the employment of an agricultural teacher for 12 months.

Chair Keith Travis then asked each Board member to send his or her top four legislative initiatives to Kevin Noland or Bonnie Brinly while the Board was still here at the October meeting.

Noland indicated that staff will send any study results or recommendations to the Board in weekly mailings as these come out and then a decision can be made as to whether to support these recommendations. He also said that he will ask the Kentucky High School Athletic Association to give the Board data on athletic trainers.

### ***SCHOOL FACILITIES EVALUATION STUDY RECOMMENDATIONS***

Associate Commissioner Kyna Koch came forward and presented a PowerPoint of the major recommendations coming forward from the School Facilities Evaluation Task Force that would require statutory changes. The major recommendations included:

- A certification process is to be developed for architects, engineers and construction managers.
- Provide continuing education for architects, engineers, construction managers and local personnel in the planning and construction process.
- Require professional development for school leaders including superintendents, local board members, school facility officers and finance officers.
- Require districts to have a facility officer.
- Several recommendations were discussed on the use of restricted funds.
- Taxing authority issues were brought forward.
- No local board would levy a rate lower than the rate set by the Board in a previous year, which would help growing districts.
- Increase FSPK from 5 cents to 10 cents and have that equalized.
- Strong recommendations exist around maintenance because there is nothing in the statute currently addressing this area.
- Move the need determination report from October 15 to December 15.
- Examine how local available revenue is calculated.

Ms. Koch said she would send the Board a copy of the PowerPoint and suggested that the recommendations from the task force may need to come forward as a separate package from that task force with the Board deciding what it could support. She said this would allow the Board to choose its four or five initiatives as previously discussed during the legislative agenda. Koch indicated that the legislature would be expecting recommendations for proposals in the school facilities area due to the work of the task force.

### ***ANNOUNCEMENTS***

Chair Travis made the following announcements before moving into committee meetings:

- Tonight the Board will have dinner with some of the Fayette County Board members and staff at the Sheraton Suites at 7:00 p.m. No business will be conducted during the dinner.
- Tomorrow, the Board and some department staff will be visiting Booker T. Washington Elementary from 8:00 a.m. to 12:00 p.m. Board members and staff

need to be in the lobby of the Sheraton Suites promptly at 8:00 a.m. to be picked up and transported to the school. You will be returned to the lobby of the Sheraton Suites at 12:00 p.m. and then need to travel back to KHSAA for the remainder of the meeting. Lunch will be served to KBE members and planning committee at 12:15 p.m. and the meeting will resume at 1:00 p.m.

- The Curriculum, Instruction and Assessment Committee will meet from 3:00 to 4:30 p.m. today here in the auditorium.
- The Management Committee meeting will occur from 4:30 to 5:15 p.m. today in the auditorium.

### ***CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING***

#### **Review Items**

1. **Update from the Committee for Mathematics Achievement and Kentucky Center for Mathematics.** Dr. Bill Bush, Chair of the Committee for Mathematics Achievement and Director of the Center for Research in Mathematics at the University of Louisville, presented a PowerPoint for the purpose of updating the Board on the work of the Committee for Mathematics Achievement. The main points within the PowerPoint were as follows:
  - House Bill 93 was co-sponsored by Representative Harry Moberly and Senator Dan Kelly, combined a house and senate bill, passed unanimously in both houses, was signed into law by Governor Fletcher on March 18, 2005 and had total funding of approximately \$7.8 million for 2005-06 and approximately \$3 million for 2006-07.
  - The major components of House Bill 93 were the Committee for Mathematics Achievement, a strategic plan for improving mathematics achievement in Kentucky, a Center for Mathematics, primary mathematics intervention programs and P-12 mathematics coaches/mentors.
  - The Committee for Mathematics Achievement was designed to have a membership of 26 people including the Secretary of Education, Commissioner of the Kentucky Department of Education, president for the Council for Postsecondary Education, director for the Education Professional Standards Board, president of the AEIKCU, director of the Kentucky Center for Mathematics, nine postsecondary education faculty members, six K-12 teachers, three K-12 school administrators and two adult educators.
  - The committee's policies and procedures included that the organizational members have three-year terms and are to be appointed by heads of the designated groups, the committee would meet monthly, the chair would be appointed by the Commissioner of Education and president of the Council for Postsecondary Education initially and then elected by the committee thereafter, the committee must have a quorum in order conduct business and the chair may form subcommittees to carry out tasks.



- The roles for the Committee for Mathematics Achievement included developing a statewide strategic plan for improving mathematics achievement in Kentucky, advising the Kentucky Department of Education, Council for Postsecondary Education and Education Professional Standards Board with regard to their roles in the strategic plan, monitoring and advising the work of the Kentucky Center for Mathematics and reporting progress toward the strategic plan to the legislature and other state agencies.
- The strategic plan for improving mathematics achievement was to create an environment supporting high-quality mathematics instruction, enhance Pre-K to 16 teachers' mathematics knowledge and ability to differentiate instruction, enhance teachers' knowledge of effective resources and program and increase the number of teachers with expertise in mathematics.
- With regard to the primary mathematics intervention programs, approximately \$3.2 million is available to districts to create primary mathematics intervention programs statewide, the Committee for Mathematics Achievement reviewed two programs and made recommendations to the Kentucky Department of Education regarding programs and implementation, the Kentucky Department of Education solicited requests for applications to school districts in spring 2006 and the Kentucky Center for Mathematics supported training for 45 teachers in the summer of 2006.
- Relative to mathematics coaches, approximately \$2.1 million is available to districts for preparation of P-12 mathematics coaches statewide, the Committee for Mathematics Achievement reviewed a variety of models in spring 2006 and made recommendations to the Kentucky Center for Mathematics and the Kentucky Center for Mathematics provided training for mathematics coaches in the summer of 2006.
- Relative to intermediate/middle school mathematics intervention programs, a review of mathematics intervention programs for intermediate/middle school students is being conducted, nine programs have made presentations to the committee, and within the next two months, the committee will submit a consumer report to the Kentucky Department of Education and legislature about these programs.
- The criteria for reviewing programs includes theoretical/research basis, implementation/instructional strategies, mathematics content, assessment/remediation strategies, reporting system, quality of professional development, quality of materials/technology, flexibility for diverse learners, preparation/implementation time and cost.
- In regard to the next steps, at the next meeting, the committee will revisit and possibly revise the strategic plan, identify the next strategic plan topics on which to focus including recruitment and retention of mathematics teachers, mathematics transitions from high school to postsecondary, analysis of mathematics preparation of teachers and analysis of mathematics curricula in programs across Kentucky.

At this point Kirsty Fleming from the Center for Mathematics provided an update on the work of that entity. She began by clarifying that House Bill 93 says that the Kentucky Center for Mathematics (KCM) will make available professional

development for teachers and reliable, research-based diagnostic and intervention strategies, coaching and mentoring models, and other programs in mathematics. Fleming used a PowerPoint presentation that presented the following information:

- The goals and objectives of the Committee for Mathematics Achievement are to enhance knowledge of and access to exemplary mathematics research and resources, create an environment that is conducive to building mathematics capacity, expand teachers' mathematical content knowledge, pedagogical skills and knowledge and enjoyment of teaching mathematics and increase the number and retention rate of Kentucky teachers with expertise in mathematics and mathematics teaching.
- Relative to coaching and mentoring, 67 coaches are coaching approximately 830 teachers (510 elementary teachers, 130 middle-grade teachers and 190 high school teachers) and Gary Palmer, Kentucky Center for Mathematics director of coaching programs and the regional coordinators are providing on-line and in-person support to the coaches. The planning of second-year training of the existing coaches and first-year training for new coaches is underway. The KCM staff will, at the October Committee for Mathematics Achievement meeting, present a plan for this second year of training. Gary Palmer is in the process of becoming a certified trainer for the cognitive coaching program.
- In the area of diagnosis and intervention, approximately 1,905 primary students are being served by 45 mathematics intervention teachers (MITs) during the 2006-07 school year, Alice Gabbard (KCM director of diagnostic intervention programs) and the regional coordinators are providing on-line and in-person support to the MITs and planning for year two training is underway. The KCM will make available, in 2007-08, advanced training for existing MITs and introductory training for new ones. The KCM also intends to expand the type of training available to the MITs. One such option would be to make available family involvement training. Alice Gabbard and three of the regional coordinators are participating in training to become Number Worlds trainers. Alice Gabbard and perhaps one of the regional coordinators is pursuing the training needed to become Math Recovery trainers.
- As part of the clearinghouse, material is regularly being added to the KCM website, samples of past successful mathematics achievement grant proposals will be made available on the KCM website, an assessment directory is being developed, Core Content 4.1 is being aligned to the ARSI Mathematics Diagnostic Test by Ron Pelfry and posted at the UK website and a resource directory, tied to Core Content 4.1 and the Program of Studies, is under development.
- In the area of research and evaluation, the center is collecting and analyzing content knowledge, pedagogical content knowledge and a mathematics attitude survey. The KCM is, at the request of the Kentucky Department of

Education, developing an evaluation plan for the middle grades' pilot intervention programs. Five faculty members at four of the public universities have applied for KCM faculty research grants. The KCM has funded four of these proposals.

- In addition to on-going communication with the Committee on Mathematics Achievement, the Council on Postsecondary Education and the Kentucky Department of Education, the KCM staff has begun working with or disseminating information to many other groups.
- The KCM is now reporting to the Center for Integrated Natural Science and Mathematics (CINSAM) because the mission of KCM and that of CINSAM are closely aligned, this reporting structure is more efficient and it gives the KCM access to CINSAM staff, enhancing the capacity of the KCM.
- Sources of getting information about the Kentucky Center for Mathematics were listed as Alice Gabbard, Gary Palmer, Linda Sheffield, Kirsty Fleming and Phil Schmidt.

### ***MANAGEMENT COMMITTEE MEETING***

#### **Action/Consent Items**

1. **District Facility Plans: Henderson County and Dayton Independent Schools.** Chair David Webb asked for a motion to approve the plans if there were no questions on them. Doug Hubbard moved approval of both facility plans and Kaye Baird seconded the motion. The motion carried.
2. **2006-07 Local District Tax Rates Levied.** Chair Webb again asked for a motion to approve the tax rates if no questions existed. Kaye Baird moved approval of all submitted tax rates and David Rhodes seconded the motion. The motion carried.

### **Action/Discussion Items**

1. **Request by the Jefferson County Board of Education to use an alternative formula to allocate funds to school councils in 2007-08.** Chair Webb indicated that an alternative formula can be used if recommended by the Kentucky Department of Education and approved by the Board.

Associate Commissioner Kyna Koch indicated that approval has been given for Jefferson County to use an alternative formula for a number of years with the main criteria being that the amount of dollars linked to the school has to be the same or more as it would be if generated by the state formula.

Jefferson County staff indicated that this is the 13<sup>th</sup> submittal of an alternative formula and noted that it focuses on attendance and has an at-risk component. It was noted that attendance has risen from 92% to 94% under this alternative formula. Jefferson County staff assured the Board the alternative formula is providing adequate funding as required by statute.

At this point Doug Hubbard moved approval of the Jefferson County alternative formula and Kaye Baird seconded the motion. The motion carried.

### **Review Items**

1. **Update from the School Facilities Evaluation Task Force Study.** Chair David Webb indicated that after the committee's agenda was published, Kyna Koch was asked to bring the committee up to date on the work of the School Facilities Evaluation Task Force. Koch then presented a PowerPoint on the recommendations and work of the task force. This PowerPoint was divided into equity recommendations, categorizing schools recommendations, maintenance recommendations, planning process recommendations and unmet need recommendations. Koch also went through the local facilities planning process as requested by Chair Webb due to new members being on the committee. She noted that the task force has agreed to continue to function even though its work is completed and to meet monthly.

Chair Webb asked if the regulations would have to be opened up due to some of these recommendations and Ms. Koch replied affirmatively. She also noted that the report has a lot of "KDE shoulds" that will have to be considered.

### **Thursday, October 5, 2006**

#### ***SCHOOL VISITS***

From 8:00 a.m. to 12:00 noon, the Kentucky Board of Education, some KDE staff and interested constituents visited Booker T. Washington Elementary School.

## ***2007 LEGISLATIVE AGENDA – SUPPORT EDUCATIONAL EXCELLENCE IN KENTUCKY (SEEK)***

Associate Commissioner Kyna Koch began the agenda item by giving a brief overview of the SEEK formula. She then moved to the chart on page 85 of the Agenda Book to discuss potential changes to the SEEK formula and get the Board's input on these. Koch said that she would skip over those items that are budget related since the next session does not deal with budget items. Thus, she began with number 3 on page 86 of the Agenda Book dealing with weights used for LEP and at-risk students. Koch explained that Kentucky's weights for students with special needs are significantly below the levels generally required in other states to meet the demands of adequacy. She noted that at-risk is currently only free lunch students and noted that most states use free and reduced lunch criteria. Koch stated that adding reduced lunch to at-risk would cost about \$30 million.

Commissioner Wilhoit suggested that this item be put on a list for consideration of future funding initiatives and then it would come back to the Board to evaluate.

Ms. Koch then asked if the Board wanted to go ahead and change the definition that is in the statute in the 2007 session.

Keith Travis felt that if the Board changed the definition it would already set a budget priority.

Koch suggested that a safer way to do this would be to wait and require the change through the budget bill. There was consensus by the Board to wait until the next session for this item.

Koch then moved on to number 4 on page 87 of the Agenda Book dealing with regional cost factor in SEEK. Her opinion she felt this would seriously jeopardize equity. The Board concurred with Ms. Koch's concern.

Number 5 was considered related to spikes in assessments. Ms. Koch said she would like to see the Board act on this item and noted that it is a technical change. She explained that SEEK uses actual assessments in each district and due to House Bill 44, the district can only levy an additional 4%. She went on to explain that if a district levies more, SEEK sees the district as being wealthier than the district can actually collect taxes on. Koch indicated that the Department needs to deal with the spikes in revenue by ratcheting down the assessment to what can actually be collected on, which is referred to as accessible assessment. She then gave the example that last year in Pike and Knox Counties, there were huge spikes because of unmined coal assessments. Koch noted that due to this, Pike County SEEK dollars went down by \$2 million and this happened after school had already started and staff were hired. Koch explained that unmined coal assessments are very difficult to collect and indicated there is nothing the district can do about that. The Board agreed that this problem needs to be improved.

The discussion moved on to Item No. 6 on page 88 of the Agenda Book that dealt with whether a tuition policy should be mandated by the state. Ms. Koch said she did not recommend this initiative because the state has never been involved in setting a tuition rate. Koch noted that if the Board wanted to do anything with tuition at all, it might consider looking at this issue in low-performing schools. It was the consensus not to pursue this item.

Item No. 7 on page 89 of the Agenda Book dealt with “in-lieu-of” taxes. Ms. Koch explained that districts sometimes receive funds for revenues lost due to property not being taxed, i.e., federal property. She noted that these funds have never been counted in SEEK as local revenue. She explained that staff recommends in-lieu-of start being considered as part of the local contribution.

David Webb commented that he had serious reservations about this recommendation and said that the impact of these funds on counties needs to be examined because these are blocks of land that can never be used for anything else.

David Rhodes noted that he would like additional information on the in-lieu-of receipts and on impact aid brought to the December meeting. Ms. Koch agreed to bring that back to the Board at the next meeting.

#### ***APPROVAL OF ACTION/CONSENT AGENDA ITEMS***

Judy Gibbons moved approval of all action/consent items to include district facility plans for Henderson County and Dayton Independent schools and the 2006-07 district tax rates levied. Kaye Baird seconded the motion and it carried.

#### ***MANAGEMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS***

Chair David Webb reported that the Jefferson County Board of Education has submitted a request to use an alternative formula to allocate funds to school councils in 2007-08. On behalf of the committee, he moved approval of this item and the Board concurred.

#### ***BOARD MEMBERS SHARING***

The following concerns were shared by Board members:

- David Rhodes expressed concern about teachers being out of the classroom excessively for professional development. Commissioner Wilhoit noted that he thought it was a mistake to mandate a schedule of professional development and thought that using the model where teachers stay in the school for professional development was becoming more prevalent.
- Judy Gibbons expressed concern about the dropout rate for 2008 and thought this perhaps should be put on the radar to look at the age where students are allowed to drop out. She then said the Board needs to take a look at the March 7 meeting

date, which overlaps the Teaching and Learning Conference. Chair Travis indicated this would be discussed in December.

- Doug Hubbard indicated that some have the perception the KBE and KDE are hesitant about implementing Senate Bill 130. He cautioned that the Board will need to document if there is a reason that implementation cannot occur. He went on to say that he thought that KBE would be meeting and dialoguing with the Kentucky High School Athletic Association Board of Control at this meeting. Hubbard noted there are great concerns about eligibility that are part of the KHSAA's agenda. He emphasized that when the legislature meets again, the issue will come back in the Board's lap. He asked if there was any intention to meet with the KHSAA to discuss the issues. Chair Travis responded the issues will come to the state board in December along with the bylaw changes.
- Joe Brothers commented that he was impressed with all of the data prepared by KDE personnel and thanked them for the time and effort put into all of this work.

### ***INTERNAL BOARD BUSINESS***

The following items were dealt with during this part of the agenda:

- Chair Travis asked Bonnie Lash Freeman, Jeanne Ferguson, and Joe Brothers to serve on the Joseph Kelly Award committee since this award would be presented in December.
- Chair Travis asked for a motion to approve Commissioner Wilhoit's evaluation. Doug Hubbard so moved and C.B. Akins seconded the motion. It carried.
- Chair Travis asked for a motion to approve the Commissioner's salary increase. Doug Hubbard so moved and David Webb seconded the motion. It carried.
- With great regret, David Webb then approved the acceptance of Commissioner Wilhoit's resignation and Bonnie Freeman seconded the motion. The motion carried.
- A motion was then made by Judy Gibbons to appoint Kevin Noland as interim commissioner upon the departure of Gene Wilhoit at an annual salary of \$175,000. Kaye Baird seconded the motion and it carried.
- Chair Travis asked Kevin Noland and Robin Kinney to come forward to discuss the Commissioner's search process. He noted this will be the most important act the Board will undertake as a group and indicated his goal is to keep the focus on getting this accomplished. Travis noted that although there is a sense of urgency, he does not want to rush through the process. He suggested that a selection committee of five Board members be appointed to include Board leadership of the Chair and Vice Chair, a balance of men and women, experienced and new Board members, and represent geographic diversity. Travis went on to say that Noland

and Kinney have prepared a Request for Proposals to be issued tomorrow so that search firm entities can apply to be considered for the job. He explained that a matrix will be used to evaluate the firms and the top three will be brought to the full Board for interviews on November 1. From that point, he explained the firm will move forward working with the search committee to work toward identifying the next commissioner by April, with a goal of employment by July 1, 2007.

- Next, the Board considered a timeline for the commissioner of education search. One change was requested in the third bullet from the bottom where the word “three” was deleted. The bullet would now read, “Search committee interviews selected candidates and selects the top candidates for the full KBE to interview; first public disclosure of the candidates/finalists.” Joe Brothers then moved acceptance of the timeline and to issue the RFP on October 6 for securing a search firm. David Rhodes seconded the motion and the motion carried.
- Chair Travis recommended appointing as a search committee Keith Travis, Bonnie Lash Freeman, David Webb, C.B. Akins and Judy Gibbons. David Rhodes moved approval of the appointments and Janna Vice seconded the motion. The motion carried.
- Due to Jeanne Ferguson’s desire to be a part of the search committee process, Doug Hubbard moved to appoint her as alternate on the search committee if less than three Board members can participate. Janna Vice seconded the motion and it carried.
- Kevin Noland then passed out a draft Request for Proposals and asked for input for any suggested changes. On the section titled “Evaluation of Candidates” found on page 3, the following percentages for the categories were agreed on: Previous Experience 30%; Qualifications 30%; References 5%; Familiarity and Interaction with Kentucky 20%; and Cost 15%. Bonnie Lash Freeman then moved approval of the Request for Proposals including the percentage changes and Doug Hubbard seconded the motion. The motion carried.

### ***KDE EMPLOYMENT REPORT***

Chair Keith Travis asked for any comments or questions on the KDE Employment Report.

C.B. Akins stated that he continues to push modeling what is mandated. He reminded the Board that yesterday the term “masking” was introduced and he thought this report could be a prime example of masking when looking at the overall percentage in the Department for minority employment when in some areas there are zero minority employees. Akins emphasized that until the zeros are removed, we are not modeling what we are mandating.

Chair Travis said this was a point well taken.



Akins continued that the Board needs to push this from the top down and review the issues on a regular basis. He requested to know how many openings the Department has, how many employees are being hired, how many individuals are being interviewed and how many of these are minorities.

Chair Travis asked if staff can provide the data requested by Akins in the future and staff replied affirmatively.

Mr. Akins went on to say that he would like to see the shifts being made within the agency when folks move laterally.

Travis brought the discussion to a close by saying that it is not the Board's domain to determine who is filling each job but it would be helpful to know when shifts are being made.

### ***ADJOURNMENT***

C.B. Akins moved to adjourn the meeting and Kaye Baird seconded the motion. The motion carried.